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September 26, 2002

The Honorable Gary E. Walsh
Executive Director
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Application of BellSouth Telecommunications, Inc. To Provide In-Region
InterLATA Services Pursuant to Section 271 of the Telecommunications
Act of 1996, **Docket No. 2001-209-C, Our File No. 01.76**

Dear Mr. Walsh:

NuVox Communications, Inc. ("NuVox") responds to the filing of BellSouth Telecommunications, Inc. dated August 29, 2002. For the reasons set out herein, NuVox urges the Commission to stand fast on its ruling that BellSouth must include "at least one payment category under Tier 1 of the IPP for assessing the effectiveness of the CCP regarding CLECs." Order No. 2002-77.

"50/50 Prioritization Has Been Implemented"

The implementation of the prioritization process by BellSouth does not support changing the Commission's ruling. Nor has BellSouth characterized the process accurately. It is true that BellSouth does not have input into the process through which CLECs prioritize change requests. However, BellSouth reserves the absolute, unqualified right to adjust the ranking order of change requests when scheduling releases. As set out in Footnote 2 of Page 4 of BellSouth's letter of August 29th, "[a]cceptance of change requests is subject to technical feasibility, cost, and industry standards." In May of this year, for example, BellSouth issued a release schedule rearranging the order of the change requests "chosen" by CLECs. Because BellSouth can "reprioritize" any choices made by CLECs, the process is not actually driven by CLEC interests in the way that BellSouth would have the Commission believe. The control that BellSouth maintains over the process is a further example of why a Tier One penalty for BellSouth's CCP failures is necessary.

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“BellSouth has Voluntarily Implemented 6 New CCP Measures and Three IPP Penalties”

No CCP measure or penalty implementation undertaken by BellSouth, (either “voluntarily” or otherwise as set out herein), supports removal of the Tier One CCP penalty. A number of these CCP metrics have been adopted by the Georgia or Florida Commissions, or recommended by their respective Staffs, following BellSouth’s refusal to consider them as part of any collaborative process. It would be more accurate, then, to say that these metrics and penalties have been or will be *imposed upon* BellSouth. Accordingly, NuVox believes that BellSouth should be subject to penalties because historically BellSouth does not respond appropriately unless ordered to do so or unless BellSouth faces a penalty for its failure to meet a performance metric. Therefore, a Tier One penalty will provide a greater incentive for BellSouth to avoid performance failures.

“Tier One Penalty is Not Appropriate”

The Commission should not be swayed by the red herrings thrown out by BellSouth in support of a position that the Commission has already rejected – twice. BellSouth states that “[a] Tier I penalty for a CCP measure is an invitation to the CLECs to game the measurement process and the CCP process (sic).....Requiring a Tier I penalty, paid to individual CLECs, would create an incentive for the CLECs to manipulate the process for the individual good rather than the good of the entire CCP. For example, a CLEC could submit a large number of meaningless requests in an attempt solely to receive payments for those rejected and not implemented.” NuVox can assure this Commission that it is not exploring the possibility of creating a new revenue stream through remedy payments. From NuVox’ perspective, the CCP presents a crucially important opportunity to seek and implement modifications that enable more efficient service ordering and provisioning for the ultimate benefit of its customers. Contrary to BellSouth’s assertions, NuVox has an inherent *disincentive* to “game” a process that is so integral to its operations. If NuVox does not submit “meaningful” requests as part of the CCP, then its own business suffers. That BellSouth would impute such unprofessional motives to its competitors reveals a great deal about its own approach to this collaborative process.

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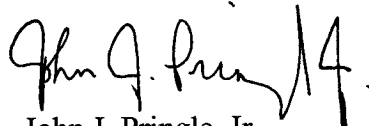
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Conclusion

The Commission should not change its ruling that BellSouth be subject to Tier One penalty payments for failure to meet CCP performance metrics. Nothing about the CCP has changed to justify a reconsideration of this decision.

With kind regards, I am

Very truly yours,



John J. Pringle, Jr.

JJP/cr

cc: Hamilton Russell, Esq.

All parties of record

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**BEFORE THE
SOUTH CAROLINA PUBLIC SERVICE COMMISSION
DOCKET NO. 2001-209-C**

Application of BellSouth Telecommunications)	
Inc. To Provide In-Region InterLATA)	CERTIFICATE OF SERVICE
Services Pursuant to Section 271 of the)	
Telecommunications Act of 1996)	

This is to certify that I have caused to be served this day, one (1) copy of **NuVox Communications, Inc.'s Response to BellSouth Telecommunications, Inc.'s Filing** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

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September 26, 2002

Columbia, South Carolina

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